

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

DEC - 6 2016

Clerk, U.S. District Court
District Of Montana
Billings

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

WARRECO JAY KILLSNIGHT,

Defendant/Movant.

Cause No. CR 14-084-BLG-SPW
CV 16-129-BLG-SPW

ORDER GRANTING § 2255 MOTION
AND DENYING CERTIFICATE OF
APPEALABILITY

This case comes before the Court on Defendant/Movant Killsnight's motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. Killsnight is serving a federal sentence and is proceeding pro se.

On December 5, 2016, the Court ordered the United States to show cause why the § 2255 motion should not be granted. Order (Doc. 76) at 1-3. The United States promptly responded by conceding the motion should be granted. *See Resp.* to Order (Doc. 77) at 1-2.

Accordingly, for the reasons stated in the Order of December 5, 2016,

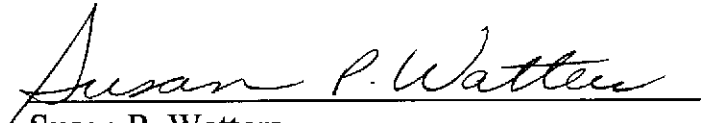
IT IS HEREBY ORDERED:

1. Killsnight's motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255 (Doc. 74) is GRANTED. The Judgment of March 17, 2016, is VACATED. An Amended Judgment accompanies this Order.

2. A certificate of appealability is DENIED as Killsnight prevails on all issues.

3. The clerk shall close the civil file by entering judgment in favor of Killsnight and against the United States.

DATED this 8th day of December, 2016.



Susan P. Watters
United States District Court